

**Regular Meeting
Board of Zoning Appeals
April 4, 2012**

Chairman Jerry Uebelhor called the Regular Meeting of the Board of Zoning Appeals to order at 6:30 p.m. Secretary Josh Gunselman took roll call as follows:

Jerry Uebelhor, Chairman	-Present	Randy Mehringer	-Present
Brad Schnarr, Vice Chairman	-Present	Bob Cook	-Present
Josh Gunselman, Secretary	-Present	Darla Blazey, Bldg. Comm.	-Present
		Atty. Sharon Bohnenkemper	-Present

PLEDGE OF ALLEGIANCE

Chairman Uebelhor led the Pledge of Allegiance.

APPROVAL OF THE MINUTES

Minutes of the March 7, 2012, Regular Meeting were reviewed. Vice Chairman Schnarr made a motion to approve the minutes as mailed. It was seconded by Josh Gunselman. Motion carried 5-0.

STATEMENT

Chairman Uebelhor read the following statement. "We are now ready to begin the public hearings scheduled for this evening. With respect to tonight's meeting and public hearings, we are hereby incorporating by reference into the record of tonight's meeting and public hearings, City of Jasper Ordinance Number 1993-17, entitled "Zoning Ordinance of the City of Jasper, Indiana and its jurisdictional area" and any and all amendments thereto, and the City of Jasper Comprehensive Plan. Audio and videotapes of these proceedings are also incorporated by reference into this evening's record."

OLD BUSINESS

Petition of Ann Neal Corp, d/b/a Norm's Market and Jasper City Bakery for a variance from Section 16.03.060 (Limitation on Signs).

Terry Seibert, property manager for Ann Neal Corp., was present on behalf of Ann Neal Corp. and Jeff and Monica Tunks to request a variance for a sign on the warehouse behind Norm's Market, which is located at 600 Truman Road. Proposed findings submitted by the petitioner were distributed, considered, and were made a part of the proceedings. The proposed sign is already painted on the south side of the building. Because of the sign's location, it cannot be seen from Truman Road, which is where customers access the market and bakery. However, the sign is large enough to be seen by drivers traveling north on U.S. 231.

The public hearing was initially presented at last month's meeting; however, after much discussion, the Board tabled the request due to Mr. Seibert not knowing the specific dimensions of the sign and warehouse.

It was determined by the Board that although the warehouse and main building are connected by a breeze-way, the warehouse could and should be considered a second building.

According to the City's ordinance, a sign can have two square feet of signage per foot of the building's width, if the sign is located no more than 50 feet from the road right-of-way. It was determined that the building width measures 48 feet and, therefore, the sign cannot exceed 96 square feet. Mr. Seibert reported that according to his calculations, the existing wall sign was approximately 360 square feet. City Engineer Hurm told the Board he, too, measured the painted sign but calculated it at approximately 280 square feet.

The Board shared its thoughts regarding the sign, including that they liked the design of the sign; however, the size of the sign was painted on the building before following through with the proper procedure by applying for a sign permit and requesting a variance due to the sign's size. The petitioner was contacted about the non-compliance first via a letter from City Engineer Chad Hurm and a second time via a letter from City Attorney Sharon Bohnenkemper before filing for a variance.

Terry Seibert said he checked around town on some other sites. He displayed pictures of three different signs that are larger than the sign ordinance allows. Englert's Home Comfort Center; he stated how he measured the sign, and the Board explained that to measure size, a square should be drawn around the lettering. Some Board members had a recollection of Englert's appearing before the Board in the past. Messmer Mechanical - for a large sign on the side of the building and also Mail Pouch Tobacco painted on a barn across from Jasper Marina; Board members distinguished those two as being grandfathered in.

There were no remonstrators present. After much discussion, Bob Cook made a motion to close the public hearing. Vice Chairman Schnarr seconded it. Motion carried 5-0.

Bob Cook made a motion to deny a variance for the proposed sign. Randy Mehringer seconded it. The motion to deny the variance carried 4-1.

After some discussion was had as to whether a variance for something smaller than 280 square feet could be granted, Josh Gunselman made a motion to rescind the previous motion. Chairman Uebelhor seconded it. The motion did not pass. It failed on a 1-4 vote.

Bob Cook made a motion that the sign must be in compliance within 30 days. Randy Mehringer seconded it. Motion carried 5-0.

City Attorney Sharon Bohnenkemper explained that the Jasper Plan Commission has the authority, as stated in Section 16.04.040 of the Zoning Ordinance, to issue per day penalties for non-compliance.

NEW BUSINESS

Petition of Alvin Mehringer, Jr. for a special exception to allow a Home Occupation (Drafting Business).

Al Mehringer was present requesting a special exception to operate a CAD drafting business at his home located at 2426 St. Charles Street. Mr. Mehringer said contact with his clients would be conducted mostly through email. There would be minimal customer traffic coming to the home. Mr. Mehringer does not intend to have any employees or signage advertising his business.

Discussion followed. With no remonstrators present, Vice Chairman Schnarr made a motion to close the public hearing. Bob Cook seconded it. Motion carried 5-0.

Randy Mehringer made a motion to grant a special exception to allow a Home Occupation (CAD drafting business) at 2426 St. Charles Street. Bob Cook seconded it. Motion carried 5-0.

Petition of St. Thomas Properties, LLC for a variance from Section 16.03.060 (Limitation on Signs.)

Jolee Moffett, of 2 Sign Guys, was present on behalf of St. Thomas Properties, LLC to request a variance to erect a second temporary sign at 600 W. 13th Street. The St. Thomas Medical facility is currently under construction and plans are to erect the proposed sign near the site's Bartley Street entrance. There is also a sign at the 13th Street entrance, which cannot be seen from Bartley Street.

According to Section 16.03.060(3)(a) of the City's sign ordinance, a temporary sign permit is required in lieu of a permanent sign and is valid for six consecutive months to promote a new business and/or construction of a new business, subject to extension for a longer period on a case-to-case basis after that time. That extension procedure would apply to the second temporary sign allowed by the variance as well as the first one allowed by ordinance.

Bob Cook made a motion to close the public hearing. Josh Gunselman seconded it. Motion carried 5-0.

Bob Cook made a motion to grant a variance to allow a second temporary sign at 600 W. 13th Street. Vice Chairman Schnarr seconded it. Motion carried 5-0.

With no further discussion, Bob Cook made a motion to adjourn the meeting, seconded by Vice Chairman Schnarr. Motion carried 5-0, and the meeting was adjourned at 7:30 p.m.

Jerry Uebelhor, Chairman

Josh Gunselman, Secretary

Kathy M. Pfister, Recording Secretary